



Senate Bill No. 652

Public Act No. 05-138

AN ACT REGARDING THE RETURN POLICY OF RETAIL STORES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 42-110aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) [A refusal by any] No person engaged in trade or commerce in this state, upon the return of goods purchased from such person's place of business, shall refuse to accept the returned goods immediately and issue the individual returning such goods either a cash or credit refund of the purchase price or credit towards the purchase of another item offered for sale at such person's place of business, provided such return is made within the period of time established by such person for the acceptance of returned goods and provided further, such goods are returned in a manner consistent with such person's conspicuously posted refund or exchange policy. [, constitutes an unfair trade practice under subsection (a) of section 42-110b.] Any such person that utilizes an electronic system to record, monitor and limit the number or total dollar value of returns made by a consumer shall clearly indicate the use of such system within such person's conspicuously posted refund or exchange policy.

(b) Any person that utilizes an electronic system to record, monitor

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and limit the number or total dollar value of returns made by a consumer shall, prior to terminating the right of any such consumer to return goods at such person's place of business pursuant to any such limitation, provide written notice to such consumer that indicates such termination. Such termination notice shall not affect such consumer's right to return any goods purchased by such consumer or purchased for the benefit of such consumer prior to the date of such notice. Any such notice that is mailed to the last known address of such consumer or to the address of such consumer that is obtained through reasonably available public records shall be deemed to comply with the notification requirements of this subsection.

[(b)] (c) This section shall not be construed to prohibit any person engaged in trade or commerce in this state from extending the period of time during which such person will accept the return of goods purchased from such person's place of business.

[(c)] (d) This section does not apply to perishable goods, including readily perishable foods and beverages, or goods clearly marked as nonreturnable pursuant to such person's conspicuously posted refund or exchange policy.

(e) Any violation of the provisions of subsection (a) of this section shall constitute an unfair trade practice for purposes of section 42-110b.

Approved June 24, 2005